

9 FAM 41.108 PROCEDURAL NOTES

(TL:VISA-396; 04-16-2002)

9 FAM 41.108 PN1 FORM DS-2053, MEDICAL EXAMINATION FOR IMMIGRANT OR REFUGEE APPLICANT SHOULD BE USED CONSISTENTLY

(TL:VISA-347; 01-15-2002)

Consular officers shall ensure that a panel physician has recorded the results of medical examinations on Form DS-2053, Medical Examination for Immigrant or Refugee Applicant.

9 FAM 41.108 PN2 PRECAUTIONS IN ESTABLISHING IDENTITY OF VISA APPLICANTS UNDERGOING MEDICAL EXAMINATION

9 FAM 41.108 PN2.1 Verifying Identity of Person Examined

(TL:VISA-166; 05-10-1997)

Consular officers shall ensure that panel physicians take every possible safeguard to verify that the person who is examined by the physician is, in fact, the visa applicant. Appropriate steps shall be taken to preclude the substitution of persons at medical examinations as well as other fraud.

9 FAM 41.108 PN2.2 Physicians' Responsibilities Regarding Alien's Identity

(TL:VISA-347; 01-15-2002)

- a. The instruction sheet which the post provides to the alien outlining the medical examination requirements and procedures shall convey to the examining physician the need for careful comparison of the identity of the visa applicant with the photograph attached to the alien's passport or with other documents of identity in order to prevent potential fraud. Instruction sheets shall also include a requirement that the physician

endorse Form DS-2053, Medical Examination for Immigrant or Refugee Applicant.

- b. Instruction sheets shall also require that the applicant present the instruction sheet and the applicant's passport to the physician to enable the latter to comply with these procedures.

9 FAM 41.108 PN2.3 X-ray and Other Medical Documents to Refer to Specific Alien by Name

(TL:VISA-166; 05-10-1997)

The report of the serological and other tests, particularly the x-ray films, must include the name of the alien examined to prevent the substitution of documents. Whenever a panel physician refers a visa applicant to another physician or to a laboratory for an x-ray examination or laboratory test, the panel physician shall be instructed to follow the procedure set forth in 9 FAM 41.108 PN2.2 in making such referral.

9 FAM 41.108 PN2.4 Class A/Class B Medical Notification

(TL:VISA-166; 05-10-1997)

- a. When a physician discovers a disease, defect, or disability, he or she must issue one of two types of notification:
 - (1) A Class A medical notification; or
 - (2) A Class B medical notification (commonly called "medical certificates").
- b. A "Class A" medical notification certifies that the applicant is inadmissible under one of the health-related exclusion grounds. A Class B" medical notification indicates that there is another serious or permanent problem. The physician will indicate the extent of the disability and the extent to which it may be alleviated, as well as the likelihood, because of the condition, that the alien will require extensive medical care or institutionalization.

9 FAM 41.108 PN2.4 Disposition of Medical Report

(TL:VISA-166; 05-10-1997)

In cases in which a Class A or Class B medical condition is detected, the panel physician shall not give the medical report to the applicant but shall ensure that it is delivered directly to the consular officer, except in cases in which the procedure is impractical. In those rare instances in which it is

necessary for the applicant to take the medical report to the consular officer, the panel physician must ensure that the report is placed in a sealed envelope in such a way that the consular officer can easily determine if it has been opened. In cases in which no Class A or B condition is detected the panel physician may give the medical reports to the applicant to take to the interview. [See 9 FAM 41.108 PN3.]

9 FAM 41.108 PN3 DISPOSITION OF MEDICAL DOCUMENTS

9 FAM 41.108 PN3.1 X-ray Films

(TL:VISA-347; 01-15-2002)

If the medical report of a K visa applicant does not involve a Class A or B condition related to tuberculosis, the Form DS-2053, Medical Examination for Immigrant or Refugee Applicant shall be attached to other supporting documents in the issued visa; no separate envelope is required. In general, the alien need not hand-carry the x-ray film to the port of entry; however, the alien shall be instructed to take the x-ray film to the United States as part of his or her permanent health record. However, in all cases involving a Class A or B condition relating to tuberculosis, the x-ray film or films shall be hand-carried by the alien for presentation at the port of entry. [See 9 FAM 41.108 PN3.3].

9 FAM 41.108 PN3.2 Form DS-2053, Medical Examination for Immigrant or Refugee Applicant Given to Alien

(TL:VISA-347; 01-15-2002)

The consular officer must place the report of the medical examination on Form DS-2053 *Medical Examination for Immigrant or Refugee Applicant* in a sealed envelope and give it to the applicant for presentation at the port of entry. The envelope shall bear a typed or rubber-stamped notation in the following form:

- (1) Medical Report (Form DS-2053) enclosed.
- (2) Chest X-ray Film(s):
 - (a) Enclosed in this envelope;
 - (b) In separate envelope given to alien; or
 - (c) Not required to be carried to United States.

9 FAM 41.108 PN3.3 Two Copies of Form DS-2053, Medical Examination for Immigrant or Refugee Applicant and DS-3024, Chest X-ray and Classification Worksheet in Class A or B Case

(TL:VISA-347; 01-15-2002)

When the medical examiner issues any Class A or B certificate, the original and two copies of the Form DS-2053, *Medical Examination for Immigrant or Refugee* and Form DS-3024, *Chest X-ray and Classification Worksheet* are placed in the envelope, which is attached to the alien's passport (by staples) on the visa page, and the consular officer shall make an extra copy of the forms for the post's files. Chest X-ray films are placed in a separate sealed envelope for the alien to hand-carry to the port of entry.

9 FAM 41.108 PN4 FEE FOR MEDICAL EXAMINATION CONDUCTED BY PANEL PHYSICIAN

(TL:VISA-96; 10-07-1994)

The fees charged for the medical examination, chest X-ray, and serological tests of visa applicants are decided on by the consular officer and the selected panel physician and should be governed by the prevailing medical fees within the country for similar services.

9 FAM 41.108 PN5 REFERRAL OF CASES TO USPHS

(TL:VISA-96; 10-07-1994)

See 9 FAM 41.108 N3.2.

9 FAM 41.108 PN6 USE OF NOTATION "MED" IN VISA STAMP

(TL:VISA-347; 01-15-2002)

In the following cases, the nonimmigrant visa should be annotated as indicated when the medical examination discloses a:

- (1) Class A tubercular or other condition and an INA 212(d)(3)(A) waiver has been granted, the visa should be annotated: "MED: 212(d)(3)(A)."

- (2) Class B tubercular condition or Class B leprosy, non-infectious, the visa should be annotated: "MED: Class B."

9 FAM 41.108 PN6.1 For Nonimmigrant V Tubercular Cases Visas

(TL:VISA-396; 04-16-2002)

- (1) Class A tubercular or other condition and a INA 212(d)(3)(A) waiver has been granted:

"MED: Class A: DD-MM-YY (date of visa issuance) 212(d)(3)(A):
(a)(1)(A)(i)

_____ (port of entry)"

- (2) Class B tubercular conditions (but not for any other Class B conditions):

"MED: Class B (TB): DD-MM-YY (date of visa issuance) "

9 FAM 41.108 PN7 V VISA HOLDERS MUST CARRY LETTER OF COMPLIANCE

(TL:VISA-396; 04-16-2002)

V visa holders Class A medical conditions must carry a letter of compliance with treatment requirements from their doctor or the local public health department if they travel overseas. To adjust status, V visa holders will need to submit their medicals or, if they adjust after one year, new medicals, so they should be cautioned to follow through on their treatment.

9 FAM 41.108 PN8 PHS ENVELOPE FOR ALL CLASS A OR CLASS B TB CONDITIONS

(TL:VISA-396; 04-16-2002)

- a. V visa holders with a TB condition or any Class A medical diagnosis must present INS at the port of entry with an envelope containing three copies of the medical exam, as well as an address and telephone number in the United States where they can be contacted by the Public Health Service (PHS). The envelope should be labeled "For PHS Use." Any envelope 9" by 12" will serve this purpose. INS will transmit the applicant's contact information and the medical exam forms to the appropriate quarantine personnel at PHS and/or CDC. A copy of the applicant's Form DS-3052, Nonimmigrant V Visa Application in the PHS envelope could serve as the requisite contact information as it includes the U.S. address, but it will be

left to posts' judgment to determine how best to formulate the *PHS* envelope.

- b. Posts may wish to enlist the panel physician staff to make the three copies of the medical exam. Panel physicians may be authorized to charge an additional fee for this service. The original medical form should be returned to the applicant, as he or she will need it when he or she enters the United States with the V Visa and later adjusts status with INS.